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**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District:
Name (under which you were convicted): <u>Jimmy Lamont Roberts</u>		Docket or Case No.: <u>2010-0114-CV1</u>
Place of Confinement: <u>EMCE 18641 Hwy 80 West Meridian MS</u>	Prisoner No.: <u>129443</u>	
Petitioner (include the name under which you were convicted): <u>Jimmy Lamont Roberts</u>	Respondent (authorized person having custody of petitioner) <u>v. EAST MISSISSIPPI CORRECTION FACILITY</u> <u>company name is ing-trading-corporation</u>	
The Attorney General of the State of: <u>Mississippi</u>		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Lowndes county P.O. Box 31 Columbus,
Mississippi 39703

- (b) Criminal docket or case number (if you know):

CIVIL Action-2010-0114-CV1

2. (a) Date of the judgment of conviction (if you know):

July 13, 2008 when I got lock up

- (b) Date of sentencing:

September same time when I got sentence

3. Length of sentence:

violated 5 years paper time and 20 to serve time on paper

4. In this case, were you convicted on more than one count or of more than one crime?

☒ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

I violated in July 31

2008 probation 5 year paper time on a house burglary

And serve a 3 year sentence on a 5 year paper time for a

five year sentence by serving 3 years on a five year sentence for

a burglary charge. After that I started on a 20 year sentence

on a statutory rape charge and I serve 4 years on a statutory rape charge.

Basically 10 years in all - now I'm being judge on parole, and a

NEW LAW that's been past and a new petition

that's been past on the 27-95 statute

bill new LAW a new

6. (a) What was your plea? (Check one)

☐ (1) Not guilty

☐ (3) Nolo contendere (no contest)

☒ (2) Guilty

☐ (4) Insanity plea

I did
16 years
lock up and now
am eligible for
parole

I took a
mental
evaluation to a insanity petition for parole called
plea. But lost it
They told me
Eligibility Act
Mississippi earned parole
petition and go home

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did

you plead guilty to and what did you plead not guilty to?

I plead guilty to a 5 year violation of probation in 2008 July 13 for a Burglary charge and After they came with a 10 year plea for a Statutory rape I refuse a 10 year plea for Statutory rape - Then they released me with 20 years to serve for a Statutory rape charge and 5 years on paper time, But anyway I have did 10 years After 2021 to 2022 - I should be able to parole on half of my time on the 27-95 Law ~~new~~ new law for parole - they are denying to parole me right now on a petition for parole on the 27-95 Law senate bill that's been passed July 24 2021, so I should have been already release on parole - please get me parole - ~~Sen~~ release!

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only no trial

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☐ Yes ☒ No

9. If you did appeal, answer the following:

(a) Name of court:

(b) Docket or case number (if you know):

(c) Result:

(d) Date of result (if you know):

(e) Citation to the case (if you know):

(f) Grounds raised:

(g) Did you seek further review by a higher state court?

☐ Yes ☒ No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

(4) Date of result (if you know):

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(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes☒ No

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Lowndes county(2) Docket or case number (if you know): Civil Action - 2018-0114-CV1(3) Date of filing (if you know): March 23, 2022(4) Nature of the proceeding: A Petition for parole call A(5) Grounds raised: Mississippi Elected parole Eligibility Act
that lead to a post conviction relief
A post judgement on a second decision to
parole because I had gotten beaten and dangerous
killed at house at EMCF, and now I should
have been discharged on parole, because a nurse
name psychologist tried to kill me by feeding me with
a 1000 miller gram shot and putting to sleep and rape
me in my sleep and also put something on sight on
my head - That's why I should have been parole
And went home(6) Did you receive a hearing where evidence was given on your petition, application, or motion? ☒ Yes ☐ No(7) Result: I am waiting 2022 May for a decision(8) Date of result (if you know): I haven't come to a result yet

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(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court: No, I didn't file any other
- (2) Docket or case number (if you know): second petition, OK
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court: _____
- (2) Docket or case number (if you know): _____
- (3) Date of filing (if you know): _____
- (4) Nature of the proceeding: _____
- (5) Grounds raised: _____

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☒ No(2) Second petition: ☐ Yes ☒ No(3) Third petition: ☐ Yes ☒ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12.

For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

Cruel punishment, ON the 5th
constitutional rights and Cruel punishment on the
8th Amendments

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I AM being held against my will in prison for nothing if still getting railroad road on all the new laws that are being past by the federal court house, ONE IS the Senate bill 2295 New Law that got past July 21, 2021 and Another is my law suit, my civil rights law suit and I suppose to be release on the Petition for parole I just filed with the Columbus MS, 39203

(b) If you did not exhaust your state remedies on Ground One, explain why:

Any AM States that I suppose to be release on the New Law that's already been past July 21, 2021 based on I AM still be railroad about these New Law's Senate bill 2295 New Law that's been past July 21, 2021 for 50% present for violent offenders with sex charges and murder charges

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(c) Direct Appeal of Ground One:(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No(2) If you did not raise this issue in your direct appeal, explain why: _____

_____**(d) Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

_____(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

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(c) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: no other remedies

GROUND TWO:no Ground Two

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

no supporting facts

(b) If you did not exhaust your state remedies on Ground Two, explain why:

no exhaust**(c) Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

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Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : _____

GROUND THREE:*no grounds*

- (a) **Supporting facts** (Do not argue or cite law. Just state the specific facts that support your claim.):

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(b) If you did not exhaust your state remedies on Ground Three, explain why:

no exhaust(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

NO Appeal

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

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(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

GROUND FOUR: _____

NO Grounds

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

NO Direct Appeal

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes

☒ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

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Name and location of the court where the motion or petition was filed: no

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): no

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: no

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): no

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: no

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: no grounds

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. no grounds

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

NO preliminary hearing

(b) At arraignment and plea:

NO Arraignment and plea

(c) At trial:

NO trial

(d) At sentencing:

(e) On appeal:

NO Appeal

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

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none

none

none

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

Please get EMCF to
 parole me by the parole Board - on the 2295
 law that got passed July 21, 2021 on a petition for parole at the
 sentencing court in Lander county
 or any other relief to which petitioner may be entitled.
 PD, Box 31, Columbus, Mississippi by Cheryl Clark
 Teresabanksdale

Attorney Scott Colom
 Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on MAY 13, 2022 (month, date, year).

Executed (signed) on MAY 13, 2022 (date).

Jimmy Roberts
 Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.
